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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,392	03/28/2001	Ronald S. Kubick	85CF-00125	3350

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EXAMINER

HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3691

MAIL DATE	DELIVERY MODE
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09/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/681,392

Applicant(s)

KUBICK ET AL.

Examiner

Lalita M. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on June 19, 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-48,50-56,62 and 63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-48,50-56,62 and 63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination (RCE)

The RCE filed on June 19, 2007 has been processed. A non-final follows.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 4-48, 50-56, 62 and 63 are rejected for the following reasons:

In claims 1, 14, 23, 30, 44, and 50, "specific type of business transaction" lacks antecedent basis.

The remaining claims are rejected for their dependency upon the rejected claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-48, 50-56, 62 and 63 are rejected under 35 U.S.C. 102(e) as being anticipated by Hall (7,085,735).

Hall discloses a method and corresponding system, database, apparatus, and computer program medium for online approval and settlement comprising conducting

due diligence comprising conducting due diligence for a business transaction, storing transactional data in the database, the transactional data including data required to complete a plurality of different types of business transactions, inputting into the computer plurality of different types of business transactions, wherein the inputted business transaction is one of the plurality of different types of business transactions stored in the database, automatically identifying data to be used collected during the due diligence to generate at least each standard documentation file to complete the inputted business transaction, each standard documentation file includes a plurality of documents associated with at least one part of the business transaction, automatically identifying at least one data collector to collect the identified data, wherein the identified data to be collected and the at least one identified data collector are identified based on the type of business transaction inputted into the computer and the transactional data stored in the database, receiving the identified data from the at least one identified data collector, storing the collected data in the database, and generating at least each standard documentation file as part of the due diligence to complete the inputted business transaction including automatically assembling each document included within each standard documentation file using the collected data stored in the database (col.3, line 50 to col.6, line 17 and fig.1); identifying a time for collection of the identified data (col.3, line 50 to col.6, line 17 and fig.1); storing the data in a database (col.3, line 50 to col.6, line 17 and fig.1); evaluating the effectiveness of collection of the identified data (col.3, line 50 to col.6, line 17 and fig.1); evaluating the effectiveness of collection comprises the step of determining a percentage of completion of the standard

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documentation file (col.3, line 50 to col.6, line 17 and fig.1); the percentage of completion is determined according to $(\text{number of items collected} / \text{number of total item collected}) * 100$ (col.3, line 50 to col.6, line 17 and fig.1); receiving the identified data from data collected during at least one phase of the due diligence wherein the phases of the due diligence including customer origination, auditing and underwriting and approval (col.3, line 50 to col.6, line 17 and fig.1); generating at least one of a pre-closing credit file and a legal documentation file (col.3, line 50 to col.6, line 17 and fig.1); transferring at least one standard documentation file to external deal teams (col.3, line 50 to col.6, line 17 and fig.1); step of evaluating the effectiveness of collection of the identified data comprises the step of determining at least one of a percent of data passed between underwriting and legal, a percent of usable data provided by underwriting and approval and a present percent of completeness of the standard documentation file after each stage of due diligence (col.3, line 50 to col.6, line 17 and fig.1); percent of data passed between underwriting and approval and legal is calculated according to $(\text{actual number of items in the standard documentation file} / \text{an expected number of items in the standard documentation file}) * 100$ (col.3, line 50 to col.6, line 17 and fig.1); percent of usable data provided by underwriting and approval is calculated according to $(\text{an actual number of accurate documentation items} / \text{an expected number of documentation items}) * 100$ (col.3, line 50 to col.6, line 17 and fig.1); receiving the identified data comprises the step of receiving the identified data via at least one of the Internet and an Intranet (col.3, line 50 to col.6, line 17 and fig.1); a due diligence checklist (col.3, line 50 to col.6, line 17 and fig.1); server is configured to receive and

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store the data from data collected during one of customer origination, auditing and underwriting and approval (col.3, line 50 to col.6, line 17 and fig.1); at least one of data corresponding to at least one identified collector, data corresponding to a time for collection of identified data for a standard documentation file, and data corresponding to the standard documentation file (col.3, line 50 to col.6, line 17 and fig.1); data corresponding to the standard documentation file comprises data associating a pre-closing file with an audit report, data regarding accounts receivable aging and data relating to a top ten customers by sales volume (col.3, line 50 to col.6, line 17 and fig.1); step of inputting into the computer a plurality of different types of business transactions further comprises the step of inputting into the computer a plurality of different types of business transactions to be completed wherein the business transaction includes at least one of purchasing or selling an operating business, purchasing or selling a portfolio of assets, and providing financing for purchasing an operating business or a portfolio of assets (col.3, line 50 to col.6, line 17 and fig.1); and the business transaction includes at least one of purchasing or selling an operating business, purchasing or selling a portfolio of assets, and providing financing for purchasing an operating business or a portfolio of assets (col.3, line 50 to col.6, line 17 and fig.1).

Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to

consider fully the entire references as potentially teaching all of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.

Provisional Application Listed on PTO-892 form

If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge does not apply.

Response to Arguments

Applicant's arguments with respect to claims 1-2, 4-48, 50-56, and 62-63 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LALITA M. HAMILTON
PRIMARY EXAMINER